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NO. 89-596

Supreme Court, U.S.

FILED

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JOSEPH F. SPANIOLO, JR.  
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**In the  
Supreme Court of the United States**

**OCTOBER TERM, 1989**

**NELLA K. BRAINIS,**

**Petitioner,**

**V.**

**JEFFERSON PARISH SCHOOL BOARD, ET AL,**

**Respondents.**

**ON PETITION FOR WRIT OF CERTIORARI  
TO THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT**

**BRIEF IN OPPOSITION**

Respectfully submitted,

**GRANT & BARROW**

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Attorney for Respondents

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IN THE  
SUPREME COURT OF THE UNITED STATES  
OCTOBER TERM, 1989

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NELLA K. BRAINIS,  
Petitioner,

V.

JEFFERSON PARISH SCHOOL BOARD, ET AL,  
Respondents.

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On Petition For Writ of Certiorari  
To The United States Court Of Appeals  
For The Fifth Circuit

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**BRIEF IN OPPOSITION**

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**STATEMENT OF CASE**

Petitioner, Nella K. Brainis, has filed two suits against respondent, Jefferson Parish School Board, concerning the reduction-in-force that occurred in June, 1984. One case was filed in state court in January, 1986 alleging a violation of her tenure rights under Louisiana law along with federal constitutional claims. The state district court, court of appeals, and Louisiana Supreme Court found that her tenure rights had not been violated by the Jefferson Parish School Board.

She filed this case against the Jefferson Parish School Board and certain employees in June, 1986 alleging violations of the Louisiana tenure laws and federal employment discrimination laws based upon race, sex and age because of the reduction-in-force of June, 1984. She also

alleged a violation of her First Amendment rights because of an event that occurred in April, 1984.

Petitioner added additional named defendants to this case in April, 1987.

As a result of pre-trial motions filed by the defendants, the district court found that petitioner's First Amendment claim had prescribed and certain of her tenure claims were barred by res judicata.

The trial was held in January, 1988 and after nine days of trial, the district court granted defendants' motion for a directed verdict.

The district court on its own motion sua sponte set a hearing on a rule to show cause why sanctions should not be imposed against petitioner and her attorney under Rule 11 of the Federal Rules of Civil Procedure. After a hearing, the court imposed sanctions against both.

After oral arguments, the decision of the district court was affirmed by the United States Fifth Circuit Court of Appeals under its Local Rule 47.6.

## SUMMARY OF ARGUMENT

1. The issues raised by petitioners do not meet the criteria set forth in United States Supreme Court Rule 17.1.

## ARGUMENT

No unique questions of law are raised by petitioners. Their issues deal mostly with findings of fact by the district court which have been reviewed and affirmed by

the United States Fifth Circuit Court of Appeals.

Petitioners raise no important federal questions and do not allege that the decision of the United States Fifth Circuit Court of Appeals in this case conflicts with a decision of another federal court of appeals.

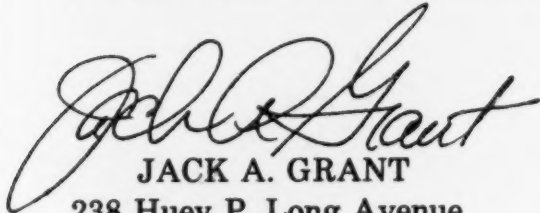
### CONCLUSION

Respondents request that this Honorable Court refuse to accept petitioners' writ of certiorari.

Respectfully submitted,

**GRANT & BARROW**

A Professional Law Corporation

A handwritten signature in cursive script, appearing to read "Jack A. Grant", is written over the printed name.

**JACK A. GRANT**

238 Huey P. Long Avenue

P. O. Box 484

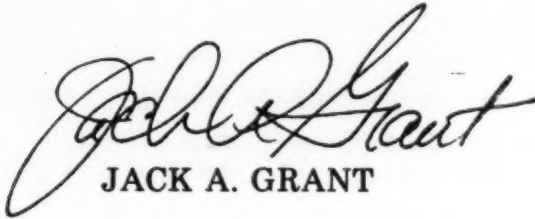
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Attorney for Respondents

**CERTIFICATE**

I hereby certify that a copy of the above and foregoing pleading has been served upon opposing counsel by U. S. Mail, postage prepaid, this 9th day of November, 1989.

A handwritten signature in cursive script, reading "Jack A. Grant". The signature is written in dark ink and is positioned above the printed name.

**JACK A. GRANT**

